

Jury Committee
Judicial Conference of Indiana

April 19, 2006
Minutes

1. Members present. The following members of the Committee present: Christopher Burnham, Sheila Carlisle, Brent Dickson, Jeffrey Heffelfinger, John Pera, Louis Rosenberg, Kenneth Scheibenberger, and William Hughes, Chair.
2. Staff present. Michelle C. Goodman and Tom Carusillo provided the Committee with staff assistance.
3. Approval of minutes. The Committee approved the minutes from February 17, 2006.
4. Jury Pool. Michelle distributed an overview of the information gathered by the survey of courts regarding jury management systems and feedback on the use of the master list. She reported that this information is still be analyzed. She also distributed a proposal for use of much of the remaining grant money. Judge Hughes indicated that CJI would like to use any unused money before the grant periods runs out in September. The Committee reviewed the proposal and approved the staff to move forward with the actions proposed in the document.
5. Questions for Committee. Judge Hughes reported that he had received a concern from Rep. Pond concerning the Amish and jury service. He indicated that this ties into our discussion of the proposed amendment to Jury Rule 17.
6. Proposed Jury Rule Amendments. The Committee reviewed the proposed amendment to Jury Rule 17 concerning challenges for cause. The proposed change would allow for a challenge of cause to be exercised prior to trial. The Committee discussed this amendment relative to the discussions held in February regarding Amish citizens and in light of recent legislative repeal of jury exemption for those over 65. The Committee amended the language to read “remove the juror from the panel for cause” and asked that the commentary supporting the amendment be expanded to incorporate various situations that could arise. The Committee approved the proposal as amended and requested it be sent to both the Supreme Court and the Rules Committee.

The Committee reviewed the proposed amendment to Jury Rule 18 concerning the ability of the court to raise a Batson issue sua sponte. Judge Pera explained an instance in his court where language to this effect would have been helpful to the court. He also referenced the ABA Principle 11(F) on Juries and Jury Trials, which also recommends this approach. The Committee discussed this procedure and raised concerns regarding the burden placed upon the court in this proposed language and the difference between the rights of the parties and the rights of the jurors to serve. The Committee requested the proposal be amended to be more consistent with the approach recommended by the ABA. The Committee decided to review the amended proposal via email for a vote, and if the vote was not favorable, then this proposal will appear on the July agenda.

The Committee also reviewed a proposed amendment to Jury rule 6 on exemptions. The proposal is in response to the recent legislative repeal of the statutory jury exemptions. The Committee approved this proposed amendment and requested it be sent to the Supreme Court and the Rules Committee.

Finally, the Committee reviewed a proposed amendment to Jury Rule 5. Michelle explained that prior to the repeal of the exemptions, that judge engaged in official duties could be exempt and this proposal will allow a judge to be documented under the category of disqualification if call for a case in which the judge is presiding or in which a special judge was appointed due to the judge's disqualification. The Committee amended the proposal to strike out the provisions relating to the cases with a special judge presiding since this could be addressed as a challenge for cause. The Committee approved the proposal as amended and asked that it be forwarded to the Supreme Court and the Rules Committee.

7. Sample form revisions. The Committee reviewed proposed changes to the Sample Juror Qualification, Exemption, and Deferral form presented in response to the recent repeal of the statutory exemptions. The Committee approved the proposal and requested it be posted on July 1st, since that is the effective date of the legislative change.
8. Legislation. Judge Hughes provided the Committee with an overview of HEA 1156 and SEA 232 from this session. Regarding the creation of the sub-committee to develop a proposal to consolidate the jury assembly statutes and bring consistency between the statutes and the Jury Rules, Michelle provided a list of the members, stated that staff has prepared some materials for the first meeting, and the first meeting would be scheduled sometime in May. She also provided an overview of the process the proposal would go through by the end of the year.
9. Other business. Michelle reported that we have been contacted by AJS to explore the formation of a jury management association.
10. Meeting dates for 2006. The schedule for meeting remaining in 2006 is as follows:

Friday, July 14, 2006 at 10 a.m. at the Indiana Judicial Center, and
Friday, October 13, 2006 at 10 a.m. at the Indiana Judicial Center.

Respectfully Submitted,

Michelle C. Goodman